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In re Application of :
Philippe Pouletty : DECISION GRANTING
Application No. 08/630,383 : PETITION
Filed: April 10, 1996 :
Attorney Docket No. A-55320-2/BIR :
SANG-013-2

This is a decision on the petition filed June 10, 1996, requesting that the above-identified application be accorded a filing date of April 10, 1996.

The application was deposited on April 10, 1996. On May 29, 1996, Application Processing Division mailed a notice requiring drawings of Figures 1-7 described in the specification and stating that the filing date would be the date of receipt of the omitted drawing.

Petitioner requests that the application be accorded a filing date of April 10, 1996, the date the application was deposited in the Office without drawings labelled Figures 1-7. Petitioner states that Figures 1-7 are unnecessary to an understanding of the claimed invention and that no necessary drawing was omitted.

Based on the statements made in the petition, which is signed by a registered practitioner, it appears that Figures 1-7 are unnecessary for an understanding of the claimed invention and that no drawings containing Figures 1-7 needed to be filed on April 10, 1996.

In view of applicant's comments noted above and the new procedure relating to treatment of applications filed without drawings, effective July 22, 1996, (see Notice of Change In Procedure, 61 Fed. Reg. 30041 (June 13, 1996) and 1188 Off. Gaz. Pat. & TM Office 48 (July 9, 1996)) the petition is granted.

However, petitioner's argument that Figures 1-7 were incorporated by reference into the present application by virtue of the

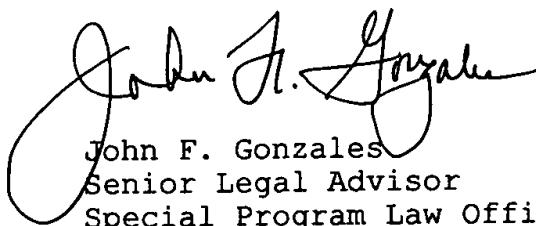
reference to prior application No. 08/254,299 contained on page 1 of the specification is not well taken.

The papers deposited on April 10, 1996, did not include drawings containing Figures 1-7. While the application was identified as a CIP of application No. 08/254,299, there was no specific incorporation by reference of the drawings from the prior application. The mere reference to another application is not an incorporation of anything therein into the application containing the reference. See In re Seversky, 177 USPQ 144, 146 (C.C.P.A. 1973) and Dart Industries, Inc. v. Banner, 107 USPQ 273, 276 (D.C. Cir. 1980).

The copy of the drawings from the parent patent application enclosed with the petition will not be entered.

The application is being returned to Application Processing Division for further processing with a filing date of April 10, 1996.

Any inquiries related to this decision should be directed to R. Spencer Annear at (703) 305-3204, or if not available, to the undersigned at (703) 305-9282.



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